

## EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT POLICY

### **POLICY: MURRAY CITY IS AN EQUAL OPPORTUNITY EMPLOYER**

**Discrimination is Prohibited:** The City's policy, as well as federal and state laws, prohibit wrongful discrimination against any employee or applicant for employment on the basis of race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship. Wrongful discrimination includes harassment on the basis of these classifications as well as any kind of conduct related to these classifications that creates an intimidating, hostile or offensive work environment for any employee. Courts and/or government agencies may impose substantial damage awards, injunctions and attorneys' fees because of discriminatory acts. The City may impose serious disciplinary action, up to and including discharge.

**Harassment is Prohibited:** Federal and state laws and City policy prohibit the harassment of employees on the basis of race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship. An especially pressing and common concern involves sexual harassment. The City expressly prohibits all sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature which:

1. are explicitly or implicitly made a term or condition of employment,
2. affect employment decisions on the basis of the submission to or rejection of such conduct,
3. create an intimidating, hostile or offensive work environment, or
4. create an environment or climate which leads to extreme personal discomfort and/or loss of work efficiency because of language or conduct which is sexual in reference or character.

**Definition of Harassment:** Harassment is defined as unwelcome or unsolicited verbal or physical conduct based on race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship, that interferes with an employee's job performance, or that creates an intimidating, hostile or offensive work environment. An employer is responsible for its acts and may be responsible for the acts of its agents and supervisory employees. With respect to conduct between fellow employees, an employer may be liable for acts of harassment where the employer, its agents or supervisory employees know or should have known about the conduct, unless the employer can show that it took immediate and appropriate corrective action. An employer may also be held responsible for the acts of non-employees where the employer, its agents or supervisory employees, know or should have known of the conduct and failed to take appropriate corrective action. Liability for harassment is not imposed solely for harassment that occurs during an employee's worktime. Actionable harassment can also include any of the above stated behaviors when it occurs at City-sponsored social events and activities.

## **What Can Employees Do If Harassment Occurs?**

Employees are encouraged to immediately and clearly let the person who has harassed them know that the behavior is unwelcome and they want it stopped.

Employees should report any harassment to any supervisor, Department/Division Head, Human Resource Director, City Attorney or Mayor.

### **To Prevent and Avoid Harassment Claims,**

#### **DO NOT:**

5. Make, encourage or allow:
  - a. comments that unnecessarily infringe on personal privacy; or
  - b. “off-color,” sexist, or offensive jokes, slurs or comments; or
  - c. comments disparaging, criticizing or ridiculing a person or group on the basis of race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship.
6. Allow the display or distribution of derogatory or suggestive posters, cartoons, photographs, writings or other materials.
7. Engage in or allow inappropriate touching, hitting, pushing or other aggressive physical contact or threats to take such action.

### **Notice, Complaint and Investigation Procedures:**

**Employees to be informed** - All employees shall be informed of the City’s policy of equal employment opportunity and anti-harassment and of the complaint and investigation procedure regarding claims related to the same.

**Notice** - A copy of this policy is included in the employee handbook and shall also be posted in a prominent place where it may be reviewed by employees.

**Reports** - Anyone who feels that he or she, or anyone else, has been wrongfully discriminated against or harassed should report such incidents to any one, or all of the following: the employee’s Supervisor, the employee’s Division Director, the employee’s Department Head, the City Attorney, the Human Resource Director, or the Mayor.

All complaints of violations of this policy (and all violations that are observed, but for which no complaint has been filed) will be investigated promptly. The person or persons who received the complaint shall notify the Human Resource Director and City Attorney to determine how the investigation should proceed. The confidentiality of persons reporting violations will be respected to the greatest extent practicable in conducting the investigation of such complaints. There shall be no retaliation taken against persons filing such complaints.

### **Personnel Acknowledgment Form:**

**Personnel Awareness** - All personnel must be aware that the City will not tolerate harassment and that engaging in such conduct may be considered grounds for discipline and/or termination. Supervisors must

be instructed in detail about the City's policy and be instructed to report all complaints or observations of inappropriate behavior to the proper person. The City may be held liable for supervisors' actions. Employees might be sued as individuals and held personally liable for the harassment of any employee

**Acknowledgment Form** - All personnel are required to read and sign the Murray City Employee Handbook Acknowledgment Form, indicating that they have read and understand the City's policy prohibiting harassment.

### **GUIDELINES FOR ENFORCEMENT OF POLICY**

To comply with the City's policy and laws prohibiting discrimination, management is responsible for ensuring that the City:

1. Will not discriminate on any "Help Wanted" notice or advertisement. All such ads should contain the phrase "An Equal Opportunity Employer." Such ads should not contain a reference to race, color, age (40 and over), sex, pregnancy, gender, disability, religion, national origin, ethnic background, military service or citizenship (e.g., "young worker", "recent graduate" or "male clerk"). A copy of each employment ad must be retained for a period of one (1) year after it is used.
2. Will not discriminate on applications or pre-employment forms. Only approved application forms should be used. Applications from unsuccessful applicants should be retained for a period of one (1) year; other applications should be retained in employee personnel files.
3. Will not discriminate during screening or pre-employment interviews. (See guidelines below regarding proper and improper inquiries.)
4. Will not refuse to hire, promote, or train persons due to their race, color, age (40 and over), sex, pregnancy, gender, disability (unless there is a job related reason), genetic makeup, religion, national origin, ethnic background, military service or citizenship.
5. Regardless of employee gender, will pay equal wages for jobs requiring equal skill, effort and responsibility under similar working conditions.
6. Will not retaliate (i.e., take or encourage any adverse action whatsoever) against any person because he or she has filed a complaint of discrimination.
7. Will post such notices as prescribed by the Equal Employment Opportunity Commission and other authorities.
8. Will treat all people in a manner which does not discriminate on the basis of legally prohibited classifications in hiring, compensating, promoting, training, evaluating and all other terms or conditions of employment.
9. Will counsel and discipline in a manner which does not discriminate on the basis of legally prohibited classifications. Normal discipline not based on protected classification is not prohibited.
10. Will avoid harassment of employees and prevent harassment by co-employees.